IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9034 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

JANSEVA SANGH

Appearance:

1. Special Civil Application No. 9034 of 2004

MS NANDINI JOSHI A.G.P. for Petitioner No. 1

MR YN RAVANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 28/09/2004

ORAL JUDGEMENT

1. RULE. Mr. Ravani waives service of rule on behalf of respondent. With the consent of both the parties, the matter is taken up for hearing today.

2. The petitioner has, by way of this petition, challenged the order dated 22nd January, 2002 passed below Exh. 40 in Regular Civil Suit No. 165 of 1998 whereby the learned District Judge, Sabarkantha at Himmatnagar disposed of the appeal with the following directions :-

"The defendants - State authorities more particularly the Collector may review its decision of regaining the land if an application to the said effect with fresh grounds and undertaking are made by the plaintiff as the land is still not allotted to any other organization for the upliftment of the Tribals.

The defendants are restrained from transferring, alienating or handing over the possession of 7 acre and 18 Gs. of land to any other agency during the pendency of the suit and the State Authorities shall not create any right, title, or interest in favour of any third party during the pendency of the suit.

The State authorities shall consider the application of plaintiff for construction on 2 acres of land within a period of 8 weeks from today on the applications made by the plaintiff which are pending before it.

The suit being of utmost urgency, the parties to go on with the Suit and the trial Court to take up the suit for hearing and decide and dispose of the suit on or before 30th of June, 2002, meanwhile, the plaintiff shall file an undertaking that it shall complete the construction, if the permission is granted as expeditiously as possible."

3. I have heard the learned advocates for the respective parties and have perused the relevant record. In view of the fact that since suit proceedings have already been commenced, I am of the opinion that ends of justice would be met if both the parties are directed to maintain status-quo till the final disposal of the suit. Accordingly, it is directed that both the parties shall maintain status-quo till the final disposal of the suit.

4. With the above direction, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/